

ORDINANCE NO. **11765**  
 (New Series)

FEB 4 1976

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 22.0507, 22.0508, 22.0522, 22.0523 AND 22.0526, AND BY AMENDING SECTIONS 22.0501, 22.0503, 22.0504, 22.0505, 22.0506, 22.0520, 22.0524 AND 22.0525, ALL RELATING TO THE PURCHASING AGENT.

WHEREAS, the voters of the City of San Diego on November 4, 1975, approved certain changes pertaining to the Purchasing Agent as set down in Section 35 of the Charter of The City of San Diego; and

WHEREAS, pursuant to such approval it is now necessary for the Council of The City of San Diego to establish new purchasing limitations for The City of San Diego; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 2, Division 5 of the San Diego Municipal Code be and it is hereby amended by repealing the following sections:

- SEC. 22.0507 ELECTION SUPPLIES
- SEC. 22.0508 REAL ESTATE AND PROPERTY DIVISION
- SEC. 22.0522 TIME AND PLACE OF OPENING MAJOR AND MINOR IMPROVEMENT BIDS
- SEC. 22.0523 EXCEPTIONS TO THE FOREGOING--SPECIAL BID OPENINGS
- SEC. 22.0526 REPORT TO COUNCIL ON SPECIAL ASSESSMENT AND MAJOR IMPROVEMENT BIDS

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Section 2. That Chapter II, Article 2, Division 5 of the San Diego Municipal Code be and it is hereby amended by amending Sections 22.0501, 22.0503, 22.0504, 22.0505, 22.0506, 22.0520, 22.0524 and 22.0525 to read as follows:

SEC. 22.0501 STOREROOMS--STOCK RECORDS--INVENTORY

The Purchasing Agent may, with the approval of the City Manager, establish and maintain one or more storerooms or warehouses for the keeping of the City's supplies. There shall be kept adequate stock records which shall at all times show the number or amount and the value of all items carried in such storerooms and warehouses, the receipt of all items, the issuance of all items from the storerooms and warehouses to City departments and offices upon requisition and the charges made. During the course of, but prior to the end of each fiscal year, the Auditor shall cause an inventory to be taken of all items in the storerooms and warehouses of the City which are then under the supervision of the Purchasing Agent and shall compare such inventory with the stock record to be kept by the Purchasing Agent.

SEC. 22.0503 DEPARTMENT OR OFFICE ESTIMATES OF PROCUREMENT NEEDS

At such times as contracts for supplies are to be let, the head of each department or office of the City shall, when requested by the Purchasing Agent, submit to him an estimate of major articles, commodities, supplies, equipment and materials anticipated to be

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needed by such department or office for its regular operation during the ensuing fiscal year within the limits of the department's or office's budget.

SEC. 22.0504 PURCHASE LIMITATIONS

The Purchasing Agent shall have the power to purchase materials, supplies, equipment and insurance upon direct request by the various departments or offices of the City, without first seeking sealed proposals or Council approval, if said purchase does not exceed the sum of five thousand dollars (\$5,000). The Purchasing Agent shall seek competitive prices for all purchases.

The Purchasing Agent is prohibited from subdividing any purchase which should logically be made as a single transaction requiring the expenditure of more than five thousand dollars (\$5,000) into two or more purchases, each involving an expenditure of less than five thousand dollars (\$5,000), for the purpose of avoiding compliance with the procedure elsewhere in this Code and in the City Charter provided for the making of purchases where the expenditure involved exceeds the sum of five thousand dollars (\$5,000).

The Purchasing Agent shall not purchase materials, supplies, equipment and insurance requested by various departments or offices of the City where said purchase exceeds the sum of five thousand dollars (\$5,000) without having first advertised for sealed proposals.

If the cost of any purchase required by the City is in excess of ten thousand dollars (\$10,000), said purchase

may be made by the Purchasing Agent only after said Purchasing Agent has advertised for sealed proposals and has obtained Council approval to award the contract.

Within the same dollar amounts as are set forth herein, the Purchasing Agent is authorized to participate in joint and cooperative purchasing with the State of California, County of San Diego, the San Diego Unified School District, and such other agencies as the Council may by resolution direct, so long as purchases above five thousand dollars (\$5,000) are made through a competitive bidding process.

#### SEC. 22.0505 REQUISITIONS

Requisitions for articles, commodities, supplies, materials or equipment by any department or office shall be addressed to the Purchasing Agent, approved by the head of such department or office. Purchase orders issued pursuant to such requisitions shall bear the certificate or stamp or like approval of the Auditor and Comptroller pursuant to Section 80 of the Charter and shall be reviewed by him for compliance with Section 81 of the Charter.

If the department or office making the requisition has available a sufficient appropriation balance, the Purchasing Agent shall either furnish the items requisitioned from the storerooms or warehouses under his control or shall procure them by purchase. Requisitions presented to the Purchasing Agent by the various City departments or offices requesting supplies, materials or equipment shall contain specifications completely describing the materials or

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equipment by purpose, function or performance desired, or by an adequate description of the physical characteristics in such manner that equal competition in the procurement thereof may be secured. Brand name "or equal" may be used for illustrative purposes only, provided, however, that brand names may be specified in the procurement of parts for City equipment in which case name and model number of equipment for which parts are to be supplied shall be furnished. Whenever any department or office requires supplies or equipment which another department or office is able to furnish, suitable work order or requisition may be made or transfer without monetary consideration may be effected, and such supplies or equipment may be furnished to the requiring department or office. In such cases, appropriate charges and credits, if any, shall be made to the accounts affected by such transaction.

SEC. 22.0506 OBSOLETE OR DEPRECIATED PROPERTY--  
SELLING, DISPOSING

Whenever the head of any department or office shall give notice in writing to the Purchasing Agent that certain personal property of the City is so used, obsolete or depreciated as to be unfit or undesirable for use or retention by the City, the Purchasing Agent shall, if the personal property described in the notice has an actual value less than one thousand dollars (\$1,000), have power, without advertising for bids, to sell or exchange it for other property, or otherwise dispose of it to the best advantage

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of the City after providing proper competition for such sale when feasible. "Exchange" as used in this section shall include transactions where used or depreciated property of the City is transferred as a partial consideration for the transfer to the City of other property, and when any such personal property has been disposed of, the amount received therefor, either in cash or as a credit, shall be credited to the department or office of the City which requested its disposal, only if the trade-in or sale of such trade-in article or article sold has been contemplated in the current annual budget; otherwise receipts or credits from such trade-ins or sales will be deposited in the General Fund.

Whenever the personal property described in the notice referred to in the preceding paragraph shall have an actual value of one thousand dollars (\$1,000) or more but less than five thousand dollars (\$5,000), the Purchasing Agent shall apply to the City Manager for authority to dispose of it, and the Purchasing Agent shall be authorized to sell or otherwise dispose of the property, as provided in the preceding paragraph, only when the City Manager so directs. Whenever the personal property described in the notice referred to in the preceding paragraph shall have an actual value of five thousand dollars (\$5,000) or more, the Purchasing Agent shall apply to the Council for authority to dispose of it, and the Purchasing Agent shall be authorized to sell or otherwise dispose of the

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property as provided in the preceding paragraph only when the Council so directs.

The Purchasing Agent shall, within five (5) days after selling or otherwise disposing of personal property pursuant to the terms of this section, report in writing to the City Manager when the proceeds of such sale are more than one thousand dollars (\$1,000) but less than five thousand dollars (\$5,000), and to the Council the result of such sale, exchange or other disposal describing the property disposed of and stating the consideration received by the City for such property when the proceeds of sale exceed five thousand dollars (\$5,000).

SEC. 22.0520 PURCHASING AGENT'S DUTY TO OPEN BIDS

Except as otherwise provided by law, the Purchasing Agent shall be the officer responsible for the opening, examining and declaring of competitive bids submitted to the City, and he is hereby authorized to call public meetings for that purpose.

SEC. 22.0524 EXCEPTIONS TO THE FOREGOING--PUBLIC CALAMITY

In the event of public calamity or some unforeseen event (including unusually large attendance) which renders it impossible or highly impracticable to open the bids at the time and place specified, the following special procedures shall govern and their utilization shall in no way detract from or vitiate the validity of the bids or the proceedings in chief.

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a. If continuously from the time specified for the opening of bids or the move to another room is made until all bids have been read, a sign is posted at the door of the originally specified room stating in which alternate room and building the bid opening is to be held, and an officer or employee of the City during such interval remains by such sign to answer inquiries, then, not less than one-quarter (1/4) hour nor more than one (1) hour after the originally specified time for the opening of bids, such bids may be opened in the alternate room.

b. If it is impossible or impracticable to utilize the procedure under paragraph a, the bids shall either be returned to the bidders or be held unopened for a period of forty-eight (48) hours after which they may be opened at any hour (not later than seventy-two (72) hours after the originally specified time) and place within the City, provided that theretofore every reasonable means has been taken to notify the respective bidders of the alternate time and place, and the bids are opened and read in public.

SEC. 22.0525 MANNER OF OPENING BIDS

A public meeting for purposes of this article means an assemblage of interested persons gathered in response to a notice specifying the time when and place where

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certain bids will be opened. So long as opportunity is given for such assemblage and the provisions of this section are complied with, the mere failure of persons to so gather shall not deprive the proceeding of its character as a public meeting. All bids shall be opened at or immediately after the time noticed for such opening. No bidder or interested person shall be excluded from the meeting at which the bids are opened and in the event no member of the public is in attendance thereat, at least one (1) officer or employee of the City shall be present in addition to the officer opening the bids. Bids shall be unsealed and opened in the presence of those attending. The name of the acquisition or improvement shall be announced audibly to those present followed by the name of the bidder, the name of the surety and the amount of the bond, and the amounts bid on the respective lump or unit items of the bid, provided, however, that a reading of the estimated total may be substituted for the respective lump and unit items. Any person present shall have the right to request a reiteration of announcements made or the supplying of any data omitted and such requests shall be complied with to the extent they do not unreasonably delay or interfere with the bid opening procedure. Substantial compliance with the provisions of this section shall render the bid opening valid for all purposes.

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Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Paul E. Robinson  
Paul E. Robinson  
Deputy City Attorney

PER:k:150  
12-17-75  
Or.Dept.: Purchasing

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Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

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Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 22 1976

FEB 4 1976

, and on \_\_\_\_\_

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

RECEIVED  
CITY CLERK'S OFFICE  
1975 DEC 30 PM 3:41  
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Ordinance Number **11765** Adopted **FEB 4 1976**

CC-1255-A (REV. 12-75)

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